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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-MD-3084-CRB

**DECLARATION OF KYLE SMITH IN
SUPPORT OF DEFENDANTS UBER
TECHNOLOGIES, INC., RASIER, LLC, AND
RASIER-CA, LLC'S BRIEF IN OPPOSITION
TO PLAINTIFFS' MOTION TO ENFORCE
PTO NO. 5**

Hearing Date: February 29, 2024
Hearing Time: 2:30 p.m.

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and Rasier-CA, LLC's (collectively, "Uber's") Opposition to Plaintiff's Motion to Enforce PTO No. 5 Related to Government Investigation Documents.

2. On January 31, 2024, Uber produced documents responsive to Paragraph 6B of the Court's Pretrial Order No. 5 ("PTO No. 5") that it had identified for production as of that time, including documents produced in response to five government inquiries covered by Paragraph 6B of PTO No. 5. A copy of the cover letter for this production is attached hereto as **Exhibit 1**.

3. Uber has continued to search for documents responsive to Paragraph 6B since its January 31, 2024 production.

4. The parties held a meet and confer on February 7, 2024, in which Plaintiffs raised certain concerns about Uber's production, and Uber indicated that its search efforts to identify documents responsive to Paragraph 6B were ongoing. Following that meet and confer, Uber provided written correspondence to Plaintiffs dated February 8, 2024 addressing Plaintiffs' concerns. A copy of that letter was attached as Exhibit A to Uber's Opposition to Plaintiffs' Motion to Shorten Time, ECF. No. 266-2.

5. A copy of counsel for Plaintiffs' email to counsel for Uber dated February 8, 2024 was attached as Exhibit B to Uber's Opposition to Plaintiffs' Motion to Shorten Time, ECF No. 266-3.

6. A copy of the email exchange between counsel for Plaintiffs and counsel for Uber dated February 9, 2024 was attached as Exhibit C to Uber's Opposition to Plaintiffs' Motion to Shorten Time, ECF No. 266-4.

7. Following receipt of Uber's February 8 meet and confer letter, which included an offer to meet and confer further, Plaintiffs did not accept Uber's offer to engage in a further meet and confer. At no point after Uber sent its February 8 letter did Plaintiffs provide Uber with a list

1 of investigations or inquiries that Plaintiffs believe are encompassed by Paragraph 6B of PTO 6,
2 but that are omitted from the list Uber provided.

3 8. On February 8, February 12, February 13, and February 14, 2024, Uber produced
4 multiple additional documents to Plaintiffs, totaling approximately 1,800 pages, responsive to
5 Paragraph 6B.

6 a. The February 8 production consisted of approximately 250 pages of documents
7 previously produced to the Massachusetts Department of Public Utilities (“DPU”) in
8 response to the Inquiry Regarding Transportation Network Company (TNC) Complaint
9 Reporting (D.P.U. Docket 23-33). A copy of the cover letter for this production is
10 attached hereto as **Exhibit 2**.

11 b. The February 12 production consisted of Uber’s Response to the Iowa DOT 2018
12 Inquiry. A copy of the cover letter for this production is attached hereto as **Exhibit 3**.

13 c. The February 13 production consisted of over 1,500 pages of documents provided to
14 the California Public Utilities Commission (“CPUC”) in response to the CPUC Request
15 for Information Related to Training Documents and Investigative Policies dated
16 February 12, 2024. A copy of the cover letter for this production is attached hereto as
17 **Exhibit 4**.

18 d. The February 14 production consisted of Uber’s Response to the Iowa DOT 2019
19 Inquiry. A copy of the cover letter for this production is attached as **Exhibit 5**.

20
21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on February 23, 2024, in Washington, D.C.

24 
25 _____
26 Kyle Smith
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